

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2009 MAR 16 A 8:55

JUNIPER NETWORKS, INC.,

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Plaintiff,

v.

GRAPHON CORPORATION and
VERTICAL MARKETING, INC.,

Civil Case No. 1:09cv287
GBL/ITRJ

JURY DEMANDED

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Juniper Networks, Inc. files this complaint for patent infringement against Defendants GraphOn Corporation and Vertical Marketing, Inc., and alleges as follows:

THE PARTIES

1. Juniper Networks, Inc. ("Juniper") is a Delaware corporation having its principal place of business at 1194 North Mathilda Avenue, Sunnyvale, California 94089.
2. GraphOn Corporation ("GraphOn") is a Delaware corporation having its principal place of business at 5400 Soquel Avenue, Suite A2, Santa Cruz, California 95062.
3. Vertical Marketing, Inc. ("Vertical") is a Delaware corporation having its principal place of business at 10021 Balls Ford Road, 2nd Floor, Manassas, Virginia 20109.

JURISDICTION AND VENUE

4. This is a claim for patent infringement and arises under the laws of the United States, Title 35 of the United States Code.
5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over GraphOn because GraphOn has committed acts within the Eastern District of Virginia giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over GraphOn would not offend traditional notions of fair play and substantial justice.

7. This Court has personal jurisdiction over Vertical because Vertical maintains its principal place of business within the Eastern District of Virginia. Moreover, as an authorized reseller for GraphOn, Vertical has committed acts within the Eastern District of Virginia giving rise to this action.

8. Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b), because GraphOn and Vertical have committed acts of direct and indirect infringement in the Eastern District of Virginia and have transacted business in the Eastern District of Virginia.

THE PATENT IN SUIT

9. Juniper owns and has standing to sue for infringement of United States Patent No. 6,243,752 ("the '752 Patent") (attached as Exhibit A), entitled "Transmitting Data Between a Host Computer and a Terminal Computer."

10. The '752 Patent was duly and legally issued by the United States Patent and Trademark Office on June 5, 2001.

COUNT ONE

INFRINGEMENT OF THE PATENT IN SUIT

11. GraphOn and Vertical have infringed one or more claims of the '752 Patent by making, using, selling, offering to sell and/or importing products that incorporate the claimed invention throughout the United States, including in this judicial district.

12. GraphOn and Vertical also have actively induced others to infringe and contributed to the infringement of one or more claims of the '752 Patent through their marketing,

supplying and sale of products incorporating the claimed invention throughout the United States, including in this judicial district.

13. GraphOn and Vertical will continue their infringing acts unless restrained from doing so by this Court.

14. Juniper has been damaged by the infringing acts of GraphOn and Vertical.

PRAYER FOR RELIEF

WHEREFORE, Juniper demands judgment against GraphOn and Vertical, including their affiliates, officers, agents, servants, employees, and all persons in active concert or participation with them, as follows:

- A. A permanent injunction prohibiting GraphOn and Vertical from further acts of infringement of the '752 Patent;
- B. An award to Juniper of such damages under 35 U.S.C. § 284 as it shall prove against GraphOn and Vertical for infringement of the '752 Patent, together with pre-judgment and post-judgment interest;
- C. An award to Juniper of the costs of this action and its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- D. Such other and further relief as this Court may deem just and appropriate.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Juniper demands a trial by jury.

Respectfully submitted,



Alan M. Fisch (*pro hac vice*)
alan.fisch@kayescholer.com
Jason F. Hoffman (*pro hac vice*)
jason.hoffman@kayescholer.com
Coke Morgan Stewart (Va. Bar No. 41933)
coke.stewart@kayescholer.com
R. William Sigler (Va. Bar No. 65940)
bill.sigler@kayescholer.com
Kevin W. Jakel (*pro hac vice*)
kevin.jakel@kayescholer.com
KAYE SCHOLER LLP
The McPherson Building
901 Fifteenth Street, NW
Washington, DC 20005-2327
(202) 682-3500 telephone
(202) 682-3580 facsimile

Attorneys for Juniper Networks, Inc.